

S/N 09/787,562

PATENTIN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Applicant:	BINLEY, ET AL	Examiner:	Liping Chen
Serial No.:	09/787,562	Group Art Unit:	1632
Filed:	JULY 5, 2000	Docket No.:	9192.16USWO
Title:	POLYNUCLEOTIDE CONSTRUCTS AND USES THEREOF		

CERTIFICATE UNDER 37 CFR 1.6(d):

I hereby certify that this correspondence is being transmitted via facsimile to the USPTO on October 23, 2001, facsimile number 703 305 7230.

*Lynnda Kraft*  
Lynnda Kraft

RESPONSE TO RESTRICTION REQUIREMENT AND AMENDMENT

Commissioner for Patents  
Washington, D.C. 20231

Dear Sir:

Responsive to the ten-way restriction requirement mailed September 10, 2002 and the Communication dated November 25, 2002, Applicant submits the following election, with traverse, Amendment to clarify the claimed invention and linking claims, and Remarks. Entry of the claim amendment and reconsideration of the restricted claim groupings is respectfully requested.

**IN THE CLAIMS**

Please amend the claims to read as shown below. A "Marked-up Version" of the Amended Claims is attached.

1. (Unchanged) A polynucleotide comprising at least two repeats of a hypoxia response element (HRE), wherein the hypoxia-inducible factor (HIF) consensus binding sites within each of the two repeats are separated by a spacer of at least 20 contiguous nucleotides.
2. (Amended) A polynucleotide according to claim 1, wherein the HRE repeats are operably linked to a viral promoter.

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